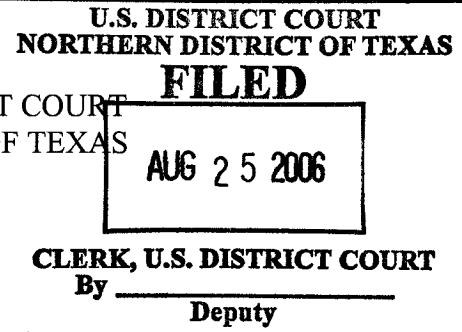


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



STEVEN DEWAYNE EVANS,

Petitioner,

v.

DOUGLAS DRETKE, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

Respondent.

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2:05-CV-0059

**ORDER OVERRULING OBJECTIONS, ADOPTING REPORT AND
RECOMMENDATION and DENYING PETITIONER'S SECOND
MOTION TO VACATE VOID JUDGMENT AND IMPOSING SANCTIONS**

Petitioner filed a petition for a federal writ of habeas corpus in this Court. On March 24, 2006, the United States District Judge entered judgment denying petitioner's habeas application. Petitioner filed his first Motion to Vacate Void Judgment on July 3, 2006. The United States Magistrate Judge entered a Report and Recommendation to deny petitioner's first motion on July 14, 2006, and on that same date entered an Order to Show Cause Why Sanctions Should Not be Imposed. Petitioner did not object to the Report and Recommendation and on August 1, 2006, the United States District Judge entered an order denying the July 3, 2006 Motion to Vacate. The Court did not impose sanctions at that time.

On July 27, 2006, petitioner filed a second Motion to Vacate Void Judgment. On August 8, 2006 the United States Magistrate Judge entered a Report and Recommendation in which he recommended denial of petitioner's second motion to vacate, recommended the imposition of a fifty dollar (\$50.00) monetary sanction and recommended that petitioner be barred from filing

further proceedings in this Court until such sanction is paid or leave to file is granted by a judicial officer. On August 15, 2006 petitioner filed a third "Motion Moving to Vacate Void Judgment" and on August 22, 2006, petitioner filed Objections to the Magistrate Judge's August 8, 2006 Report and Recommendation.

The undersigned United States District Judge has made an independent examination of the record in this case. The objections filed August 22, 2006 by petitioner are without merit and are hereby OVERRULED. The Magistrate Judge's Report and Recommendation is hereby ADOPTED. Accordingly, petitioner's July 27, 2006 Motion to Vacate Void Judgment is hereby DENIED. It is further ordered that petitioner is assessed a fifty dollar (\$50.00) monetary sanction, payable to the United States District Clerk and that petitioner is barred from filing further proceedings in this Court until such sanction is paid or leave to file is granted by a judicial officer

IT IS SO ORDERED.

ENTERED this 24th day of August 2006.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE